

Office of Massage Therapist Registration Policy

Policy Number: 30-01
Title: Delegated authority from the Director of the Division of Registrations to the Program Director of the Office of Massage Therapist Registration.
Date Issued: January 2, 2009
References: 24-34-102(2), C.R.S. (2008)
Purpose: To clarify the authority delegated to the Program Director to assist the Director in carrying out their duty.

This policy provides direction regarding the powers, duties, and functions that the Director of the Division of Registrations has delegated to the Program Director of the Office of Massage Therapist Registration.

In the Administrative Organization Act of 1968, §§ 24-1-101 *et seq.*, C.R.S., the Division of Registrations was created under the direction of the Director of Registrations. § 24-1-122(2)(g), C.R.S. (2001). The Division of Registrations was transferred by a “type 2” transfer to the Department of Regulatory Agencies as the Division of Registrations. § 24-1-122(2)(g), C.R.S. (2001).

Under a “type 2” transfer, the statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting, purchasing, and planning were transferred to the Department of Regulatory Agencies. § 24-1-105(2), C.R.S. (2001); § 24-1-110(1)(I), C.R.S. (2001). Additionally, the prescribed powers, duties, and functions, including rule-making, regulation, licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications were transferred to the Executive Director of the Department of Regulatory Agencies. § 24-1-103, C.R.S. (2001); § 24-1-105(4), C.R.S. (2001).

Despite such transfer, the Administrative Organization Act of 1968 retained the supervision and control of “type 2” licensing boards and agencies with the Director of the Division of Registrations. § 24-34-102(2), C.R.S. (2001). As such, the Director of the Division of Registrations has the powers, duties, and functions specified and assigned to her in Title 12 of the Colorado Revised Statutes as the Director of the Division of Registrations for all type 2 agencies.

Therefore, by this memorandum, the Director of the Division of Registrations has delegated the following statutory powers, duties, and functions to the Program Director of the Office of Massage Therapist Registration:

- Establishing the fees for registrations and licenses and renewal of such registrations and licenses;
- Evaluating the qualifications of registrants or applicants for registration or licensure except for those with “yes” responses;
- Issuing and renewing licenses and registrations that meet statutory requirements;

- Initiating investigations and inspections with respect to any complaint against any registrant or licensee, or individual who is providing a service which requires registration or licensure;
- Issuing subpoenas compelling the attendance and testimony of witnesses and the production of books, records, papers, and documents for investigation purposes;
- Initiating actions to enforce subpoenas in District Court;
- Employing administrative law judges on a full-time or part-time basis to conduct any hearings that are necessary;
- Causing the prosecution and enjoinder of all persons violating the organic acts upon the Directors approval;
- Issuing letter of admonitions, orders to cease and desist, stipulated final agency orders, and orders to pay costs as prescribed by final agency orders upon the Director's approval (the Director reserves the responsibility for signature on all final agency orders issued as a result of an initial decision by an administrative law judge);
- Coordinating and attending the meetings of the Advisory Committee; and
- Coordinating and conducting on public rules hearings.